

CPS Response to HMIC/HMCPSI Joint Thematic Inspection of Disclosure

18/07/2017

HMIC and HMCPSI have today [18 July 2017] published a joint report into how the police and the Crown Prosecution Service (CPS) manage the disclosure of unused material in volume cases in the Crown Court.



The report acknowledges the effectiveness of the legislation underlying disclosure and the extensive guidance published by a number of agencies including the CPS to assist with its application. Although training for prosecutors is commended and considered sufficiently comprehensive and flexible to be delivered to both police officers and prosecutors, more needs to be done to demonstrate compliance.

The CPS understands the importance of complying with its statutory obligations relating to the disclosure of unused material and is committed to improving performance in this area of work. We will, as a priority, explore ways in which the supervision and quality assurance processes surrounding disclosure can be strengthened. This requires prosecutors to challenge poor schedules from the police, to correctly consider and record their decisions and to demonstrate on-going, effective disclosure throughout the life of the case.

We will work with our partners in policing to address the findings in this report and ensure that Chief Crown Prosecutors (CCPs) in CPS Areas use the report to jointly work with senior police colleagues to deliver improvement.

The report contains nine recommendations, three of which are addressed to the CPS alone, three of which are addressed jointly to the CPS and police and three are addressed to the police alone. The recommendations relating to the CPS, and our responses to them, are set out below:

1. Immediately, police or CPS must correctly identify all disclosure issues relating to unused material at the charging stage and this must be reflected fully in an action plan.

CPS Response: CCPs will work with local senior police leaders to ensure police officers identify relevant material and that it is considered by prosecutors and prosecutorial decisions are recorded.

2. Within six months the CPS should comply with the Attorney General's guidelines on disclosure requirement and ensure that every defence statement is reviewed by the allocated prosecutor prior to sending to the police and that prompt guidance is given to the police on what further actions should be taken or material provided.

CPS Response: It is vital that the police have sight of the Defence Statement as soon as possible upon receipt from the defence in order that secondary disclosure is provided promptly. It is also vital that the prosecutor assists the police in identifying any possible relevant material. We will review how this is best achieved in consultation with the police and the Attorney General's Office.

3. Within six months, the CPS Compliance and Assurance Team should commence six monthly disclosure dip samples of volume Crown Court files from each CPS Area, with the findings included in the CPS Area Quarterly Performance Review process.

CPS Response: This recommendation is accepted in part. We accept that more can be done to monitor our performance and to learn from it so our Compliance and Assurance Team will work with Deputy Chief Crown Prosecutors (DCCPs) to ensure that disclosure dip samples are undertaken in addition to Individual Quality Assessments (IQA) in each CPS Area. This will ensure that CPS areas better understand where improvements need to be made and what action needs to be taken. Appropriate focussed action will then be taken to address the findings.

4. Within six months the CPS should provide a system of information sharing between the Areas and Headquarters that enables the effective analysis of Area performance on disclosure.

CPS Response: We will review the current process for reporting on Area Disclosure performance.

5. Within 12 months, the police and the CPS should review their respective digital case management systems to ensure all digital unused material provided by the police to the CPS is stored within one central location on the CPS system and one disclosure recording document is available to prosecutors in the same location.

CPS Response: The cost of updating our Case Management System (CMS) to place digital unused material in one location is prohibitive. However, we will seek to maximise opportunities to develop CMS to enhance accessibility to this material as part of scheduled CMS upgrades. In addition, CCPs will ensure that prosecutors record their disclosure decisions in the relevant documents.

6. Within six months, CPS and police should develop effective communication processes that enable officers in charge of investigations and the allocated prosecutor to resolve unused material disclosure issues in a timely and effective manner.

CPS Response: CCPs will work with local senior police leaders in their Areas to ensure systems are in place to resolve disclosure issues in a timely and effective manner. We will monitor compliance through the disclosure dip samples and Individual Quality Assessments referred to above.